

# STATE OF NEW YORK DEPARTMENT OF PUBLIC SERVICE

THREE EMPIRE STATE PLAZA, ALBANY, NY 12223-1350

Internet Address: <http://www.dps.state.ny.us>

## PUBLIC SERVICE COMMISSION

MAUREEN O. HELMER

*Chairman*

THOMAS J. DUNLEAVY

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LEONARD A. WEISS

NEAL N. GALVIN



LAWRENCE G. MALONE

*General Counsel*

JANET HAND DEIXLER

*Secretary*

February 6, 2002

Honorable William F. Caton  
Acting Secretary  
Federal Communications Commission  
445 Twelfth Street, S.W.  
Washington, DC 20554

**Re: Ex Parte Letter – On Verizon Wireless' Petition for Forbearance from Local Number Portability in WT Docket No. 01-184**

Dear Acting Secretary Caton:

In accordance with Section 1.1206(b)(1) of the FCC's rules, the New York State Department of Public Service submits for filing this notice of *ex parte* letter for inclusion in the public record of this proceeding.

Thank you for your attention to this matter.

Respectfully submitted,

Brian P. Ossias  
Assistant Counsel  
State of New York  
Public Service Commission  
3 Empire State Plaza  
Albany, New York 12223-1350

Enclosure

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Honorable Michael K. Powell  
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Federal Communications Commission  
445 Twelfth Street, S.W.  
Washington, DC 20554

**Re: Ex Parte Letter on Verizon Wireless' Petition for Forbearance from Local  
Number Portability; WT Docket No. 01-184**

Dear Chairman Powell:

I write you to urge denial of Verizon Wireless' (Verizon) petition for forbearance from the local number portability (LNP) requirements. In our Comments filed September 20, 2001, we opposed Verizon's petition on the basis that a waiver would be anti-competitive and inhibit number conservation efforts. The wireless carriers have not made any compelling arguments that it is technically infeasible for them to meet the Commission's schedule.

Balancing the needs of consumers and industry with the goal of enhancing local competition is not easy. We think that it may be possible that wireless and wireline carriers will compete for local customers. We have found that the ability of consumers to keep their telephone numbers when changing carriers is essential for a competitive market to succeed. Residential and business customers are reluctant to use wireless service as their primary service if they must change their telephone numbers. Even the wireless carriers acknowledge that the 20% churn rate for wireless customers is no indication of how many customers would change carriers if they were not required to change their telephone numbers.<sup>1</sup>

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<sup>1</sup> Voicestream Comments at p. 6.

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No material has been presented that would change the foundation which the Commission used when it required LNP capability for all carriers. Thus, like their wireline counterparts, wireless carriers should not be able to maintain proprietary rights in telephone numbers. Consumers should have the option of keeping their telephone numbers when they switch carriers, whether from wireline to wireline, wireline to wireless, or wireless to wireless.

Respectfully submitted,

Maureen O. Helmer  
Chairman  
State of New York  
Public Service Commission  
3 Empire State Plaza  
Albany, New York 12223-1350

cc: Kathleen Q. Abernathy, Commissioner  
Michael J. Copps, Commissioner  
Kevin J. Martin, Commissioner  
Matthew Brill, Legal Advisor  
Kyle Dixon, Legal Advisor  
Jordan Goldstein, Legal Advisor  
Sam Feder, Interim Sr. Legal Advisor  
Deena Shelter, Legal Advisor  
Dorothy Atwood